
By: **Senator Hollinger**

Introduced and read first time: February 5, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing - Nursing Assistants and Medication Technicians -**
3 **Miscellaneous Provisions**

4 FOR the purpose of altering the number of members on the State Board of Nursing
5 Rehabilitation Committee; requiring that a registered nurse with expertise in
6 pain management be a member of the rehabilitation committee; authorizing the
7 Board to conduct a demonstration study to evaluate certain changes to certain
8 nursing practice regulations; providing for the purpose of demonstration
9 studies; requiring the Board to approve the demonstration study design and to
10 select the testing facilities; authorizing the Board to waive certain requirements
11 during a demonstration study; requiring an individual to be certified by the
12 Board before practicing as a medication technician, using certain titles, and
13 making certain representations; making a certain exception to the requirement
14 for certification as a medication technician; requiring the Board to set certain
15 fees relating to the certification of medication technicians; requiring the Board
16 to adopt certain regulations; establishing certain qualifications that an
17 individual must meet to qualify for certain certificates; repealing a certain
18 procedure for granting a nursing assistant certificate by waiver; establishing
19 procedures for the certification of medication technicians and the issuance and
20 renewal of medication technician certificates; altering certain requirements for
21 the renewal of a nursing assistant certificate; requiring certain certificate
22 holders to notify the Board in a certain manner and within a certain time period
23 after a certain change has occurred; authorizing the Board to impose a certain
24 administrative penalty on certain certificate holders under certain
25 circumstances; requiring the Board to pay certain penalties to the General Fund
26 of the State; authorizing the Board to impose a certain fine on a certified
27 medication technician; establishing grounds for the denial of a medication
28 technician certificate and the discipline of certified medication technicians;
29 authorizing the Board to reinstate certain certificates under certain
30 circumstances; providing for the surrender of a medication technician certificate
31 under certain circumstances; requiring the Board's advisory committee to
32 review certain investigations of complaints and make certain recommendations
33 for disciplinary action; requiring certain individuals to submit to certain
34 examinations under certain circumstances; prohibiting a director of nursing
35 from employing certain individuals under certain circumstances; defining

1 certain terms; and generally relating to the State Board of Nursing and the
2 certification of nursing assistants and medication technicians.

3 BY repealing and reenacting, with amendments,
4 Article - Health Occupations
5 Section 8-208(c), 8-6A-01, 8-6A-02(a) and (b), 8-6A-03, 8-6A-04(a), 8-6A-05,
6 8-6A-07 through 8-6A-10, 8-6A-12, 8-6A-13(e), and 8-6A-15 to be
7 under the amended subtitle "Subtitle 6A. Certification of Nursing
8 Assistants and Medication Technicians"; and 8-706
9 Annotated Code of Maryland
10 (2000 Replacement Volume and 2003 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article - Health Occupations
13 Section 8-208(a) and (b) and 8-6A-13(a)
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2003 Supplement)

16 BY adding to
17 Article - Health Occupations
18 Section 8-510
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Health Occupations**

24 8-208.

- 25 (a) In this section, "program" means the rehabilitation program.
- 26 (b) (1) There is a Rehabilitation Committee in the Board.
- 27 (2) The Board may create 1 or more rehabilitation committees.
- 28 (c) (1) The Committee shall consist of [5] 6 members.
- 29 (2) Of the [5] 6 Committee members:
- 30 (i) 3 shall be licensed registered nurses, who have demonstrated
31 expertise in the field of chemical dependency or psychiatric nursing;
- 32 (II) 1 SHALL BE A REGISTERED NURSE, WHO HAS DEMONSTRATED
33 EXPERTISE IN THE AREA OF PAIN MANAGEMENT;
- 34 [(ii)] (III) 1 shall be a licensed practical nurse; and

1 [(iii)] (IV) 1 shall be a consumer member, who is knowledgeable in
2 the field of chemical dependency.

3 8-510.

4 (A) THE BOARD MAY CONDUCT A DEMONSTRATION STUDY TO EVALUATE A
5 PROPOSED CHANGE TO REGULATIONS REGARDING NURSING PRACTICES OR THE
6 ACTIVITIES OF NURSING ASSISTANTS OR MEDICATION TECHNICIANS IN A PRACTICE
7 SETTING.

8 (B) A DEMONSTRATION STUDY ENABLES THE BOARD, IN A CONTROLLED
9 PRACTICE SETTING, TO DETERMINE:

10 (1) THE SAFETY OF THE PROPOSED PRACTICE OR ACTIVITY; AND

11 (2) THE APPROPRIATE EDUCATION OR TRAINING REQUIREMENTS FOR A
12 PROPOSED PRACTICE OR ACTIVITY.

13 (C) (1) THE BOARD SHALL:

14 (I) APPROVE THE DEMONSTRATION STUDY DESIGN; AND

15 (II) SELECT THE TESTING FACILITIES.

16 (2) THE BOARD MAY WAIVE SELECTED NURSING PRACTICE
17 REQUIREMENTS DURING A DEMONSTRATION STUDY.

18 Subtitle 6A. Certification of Nursing Assistants AND MEDICATION TECHNICIANS.

19 8-6A-01.

20 (a) In this subtitle the following words have the meanings indicated.

21 (B) "APPROVED MEDICATION TECHNICIAN TRAINING PROGRAM" MEANS A
22 COURSE OF TRAINING THAT MEETS THE BASIC MEDICATION TECHNICIAN
23 CURRICULUM PRESCRIBED AND APPROVED BY THE BOARD.

24 [(b)] (C) "Approved nursing assistant training program" means a course of
25 training that meets the basic nursing assistant curriculum prescribed and approved
26 by the Board.

27 [(c)] (D) "Board" means the State Board of Nursing.

28 [(d)] (E) "Certificate" means a certificate issued by the Board to practice as a
29 certified nursing assistant OR A CERTIFIED MEDICATION TECHNICIAN in the State.

30 (F) "CERTIFIED MEDICATION TECHNICIAN" MEANS AN INDIVIDUAL WHO:

31 (1) HAS COMPLETED A BOARD-APPROVED MEDICATION TECHNICIAN
32 TRAINING PROGRAM; AND

1 (2) IS CERTIFIED BY THE BOARD AS A MEDICATION TECHNICIAN.

2 [(e)] (G) "Certified medicine aide" means a geriatric nursing assistant who
3 has completed a [60-hour, State-approved] BOARD-APPROVED course in medication
4 administration.

5 [(f)] (H) "Certified nursing assistant":

6 (1) Means an individual regardless of title who routinely performs
7 nursing tasks delegated by a registered nurse or licensed practical nurse for
8 [compensation or satisfies the criteria contained in § 8-6A-05(d) of this subtitle]
9 COMPENSATION; and

10 (2) Does not include a [medication assistant] CERTIFIED MEDICATION
11 TECHNICIAN.

12 [(g)] (I) "Department" means the Department of Health and Mental Hygiene.

13 [(h)] (J) "Geriatric nursing assistant" means a certified nursing assistant who
14 has successfully completed the requirements for geriatric nursing assistant mandated
15 under federal law and the regulations of the Board.

16 [(i)] "Medication assistant" means an individual who has completed the
17 16-hour course in medication administration approved by the Board.]

18 8-6A-02.

19 (a) Except as otherwise provided in this subtitle, an individual shall be
20 certified by the Board to practice as a nursing assistant OR MEDICATION TECHNICIAN
21 before the individual may practice as a nursing assistant OR MEDICATION
22 TECHNICIAN in the State.

23 (b) This subtitle does not apply to an individual who:

24 (1) Practices a health occupation that the individual is authorized to
25 practice under this article;

26 (2) Provides for the gratuitous care of friends or family members;

27 (3) Performs nursing assistant tasks while a nursing student enrolled in
28 an accredited nursing program and practicing under the direct supervision of
29 qualified faculty or preceptors; [or]

30 (4) Performs nursing assistant tasks as a student while:

31 (i) Enrolled in a Board approved nursing assistant training
32 program;

33 (ii) Practicing under the direct supervision of qualified faculty or
34 preceptors; or

1 (iii) Practicing under the direct supervision of a licensed nurse while
2 working as a nursing assistant; OR

3 (5) PERFORMS MEDICATION TECHNICIAN TASKS AS A STUDENT WHILE
4 PRACTICING UNDER THE DIRECT SUPERVISION OF QUALIFIED FACULTY.

5 8-6A-03.

6 (a) An individual shall be certified as a nursing assistant by the Board before
7 the individual may:

8 (1) Use the title "certified nursing assistant";

9 (2) Use the initials "C.N.A." after the name of the individual; or

10 (3) Represent to the public that the individual is certified as a nursing
11 assistant.

12 (b) [A medication assistant shall be required to register with the Board.] AN
13 INDIVIDUAL SHALL BE CERTIFIED AS A MEDICATION TECHNICIAN BY THE BOARD
14 BEFORE THE INDIVIDUAL MAY:

15 (1) USE THE TITLE "CERTIFIED MEDICATION TECHNICIAN";

16 (2) USE THE INITIALS "C.M.T." AFTER THE NAME OF THE INDIVIDUAL; OR

17 (3) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS CERTIFIED AS
18 A MEDICATION TECHNICIAN.

19 (C) AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER
20 TO PRACTICE AS A CERTIFIED MEDICATION TECHNICIAN WITHOUT CERTIFICATION
21 FROM THE BOARD.

22 8-6A-04.

23 (a) (1) The Board shall set reasonable fees for the issuance and renewal of
24 certificates and other services it provides to certified nursing assistants AND
25 CERTIFIED MEDICATION TECHNICIANS.

26 (2) The fees charged shall be set to produce funds to approximate the
27 cost of maintaining the certification program and the other services provided to
28 certified nursing assistants AND CERTIFIED MEDICATION TECHNICIANS.

29 8-6A-05.

30 (a) The Board shall adopt regulations establishing:

31 (1) Categories of certified nursing assistants, including geriatric nursing
32 assistants, home health aides, school health aides, dialysis technicians, individuals
33 working in developmental disabilities administration facilities, and medicine aides;

- 1 (2) Qualifications for each category of certified nursing assistant; [and]
- 2 (3) **QUALIFICATIONS FOR CERTIFIED MEDICATION TECHNICIANS; AND**
- 3 [(3)] (4) Standards for qualification of applicants for certification,
4 including the applicant's criminal history, work record, and prohibitions against
5 behavior which may be potentially harmful to patients.
- 6 (b) To qualify for certification as a nursing [assistant or] ASSISTANT, a
7 nursing assistant in a specific category, OR A MEDICATION TECHNICIAN, an applicant
8 shall meet the requirements set by the Board.
- 9 (c) (1) An applicant for a certificate shall:
- 10 (i) Submit an application to the Board on the form that the Board
11 requires;
- 12 (ii) Provide evidence, as required by the Board, of successful
13 completion of an approved nursing assistant training program OR AN APPROVED
14 COURSE IN MEDICATION ADMINISTRATION;
- 15 (iii) Pay to the Board an application fee set by the Board; [and]
- 16 (iv) Be of good moral character; AND
- 17 (V) BE AT LEAST 18 YEARS OLD.
- 18 (2) An applicant for certification as a certified medicine aide, in addition
19 to the requirements under subsection (c)(1) of this section, shall submit an additional
20 application to that effect to the Board on the form that the Board requires.
- 21 (3) An applicant for a certificate may not:
- 22 (i) Have committed any act or omission that would be grounds for
23 discipline or denial of certification under this subtitle; and
- 24 (ii) Have a record of abuse, negligence, misappropriation of a
25 resident's property, or any disciplinary action taken or pending in any other state or
26 territory of the United States against the certification of the nursing assistant OR
27 MEDICATION TECHNICIAN in the state or territory.
- 28 [(d) The Board shall waive the requirement for successful completion of an
29 approved nursing assistant training program under subsection (c) of this section for
30 any applicant who applies for certification under this subtitle by July 1, 2002 and
31 submits evidence satisfactory to the Board that the applicant:
- 32 (1) Holds current registration in good standing as a geriatric nursing
33 assistant in accordance with regulations adopted by the Department under §
34 19-308.1 of the Health - General Article; or

1 (2) In the last 2 years has practiced for at least 1,000 hours as a nursing
2 assistant.]

3 8-6A-07.

4 (a) The Board shall issue a certificate to any applicant who meets the
5 requirements of this subtitle.

6 (b) The certificate OF AN INDIVIDUAL WHO HAS MET THE REQUIREMENTS
7 FOR A CERTIFIED NURSING ASSISTANT shall include the title "certified nursing
8 assistant".

9 (c) The certificate of an individual who routinely performs nursing tasks
10 delegated by a registered nurse or licensed practical nurse for compensation and has
11 also completed [the 60-hour, State-approved] A BOARD-APPROVED course in
12 medication administration shall also include the title "certified medicine aide".

13 (D) THE CERTIFICATE OF AN INDIVIDUAL WHO HAS MET THE REQUIREMENTS
14 FOR A CERTIFIED MEDICATION TECHNICIAN SHALL INCLUDE THE TITLE "CERTIFIED
15 MEDICATION TECHNICIAN".

16 [(d)] (E) The Board may issue a certificate to replace a lost, destroyed, or
17 mutilated certificate, if the certificate holder pays the certificate replacement fee set
18 by the Board.

19 8-6A-08.

20 (a) A certificate expires on the 28th day of the birth month of the nursing
21 assistant OR MEDICATION TECHNICIAN, unless the certificate is renewed for a 2-year
22 term as provided in this section.

23 (b) At least 3 months before the certificate expires, the Board shall send to the
24 nursing assistant OR MEDICATION TECHNICIAN, by first-class mail to the last known
25 address of the nursing assistant OR MEDICATION TECHNICIAN, a renewal notice that
26 states:

27 (1) The date on which the current certificate expires;

28 (2) The date by which the renewal application must be received by the
29 Board for the renewal to be issued and mailed before the certificate expires; and

30 (3) The amount of the renewal fee.

31 (c) Before a certificate expires, [the] A nursing assistant periodically may
32 renew it for an additional term, if the certificate holder:

33 (1) Otherwise is entitled to be certified;

34 (2) Submits to the Board a renewal application on the form that the
35 Board requires;

- 1 (3) Pays to the Board a renewal fee set by the Board; and
- 2 (4) Provides satisfactory evidence of completion of:
- 3 (i) [8] 16 hours of active nursing assistant practice within the
- 4 [1-year] 2-YEAR period immediately preceding the date of renewal; or
- 5 (ii) An approved nursing assistant training program.

6 (D) BEFORE A CERTIFICATE EXPIRES, A MEDICATION TECHNICIAN

7 PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL TERM, IF THE CERTIFICATE

8 HOLDER:

- 9 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;
- 10 (2) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE FORM
- 11 THAT THE BOARD REQUIRES;
- 12 (3) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND
- 13 (4) EVERY 2 YEARS, PROVIDES SATISFACTORY EVIDENCE OF
- 14 COMPLETION OF A BOARD-APPROVED CLINICAL REFRESHER COURSE.

15 [(d)] (E) The Board shall renew the certificate of each nursing assistant OR

16 MEDICATION TECHNICIAN who meets the requirements of this section.

17 (F) (1) WITHIN 30 DAYS AFTER A CHANGE HAS OCCURRED, EACH

18 CERTIFICATE HOLDER SHALL NOTIFY THE BOARD IN WRITING OF ANY CHANGE IN A

19 NAME OR ADDRESS.

20 (2) IF THE CERTIFICATE HOLDER FAILS TO NOTIFY THE BOARD WITHIN

21 THE TIME REQUIRED UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE AN

22 ADMINISTRATIVE PENALTY OF \$25 ON THE CERTIFICATE HOLDER.

23 (G) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS

24 SUBSECTION TO THE GENERAL FUND OF THE STATE.

25 8-6A-09.

26 (a) The Board may impose a civil fine not exceeding \$50 on a certified nursing

27 assistant OR A CERTIFIED MEDICATION TECHNICIAN who fails to renew a certificate

28 within 30 days after its expiration date and practices as a certified nursing assistant

29 OR CERTIFIED MEDICATION TECHNICIAN during the period of expiration.

30 (b) The Board shall pay any penalty collected under this section to the General

31 Fund of the State.

32 8-6A-10.

33 (a) Subject to the hearing provisions of § 8-317 of this title, the Board may

34 deny a certificate or issue a probationary certificate to any applicant, reprimand any

1 certificate holder, place any certificate holder on probation, or suspend or revoke the
2 certificate of a certificate holder, if the applicant or certificate holder:

3 (1) Fraudulently or deceptively obtains or attempts to obtain a
4 certificate for the applicant or for another;

5 (2) Fraudulently or deceptively uses a certificate;

6 (3) Is disciplined by a licensing, military, or disciplinary authority in this
7 State or in any other state or country or convicted or disciplined by a court in this
8 State or in any other state or country for an act that would be grounds for disciplinary
9 action under the Board's disciplinary statutes;

10 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
11 crime involving moral turpitude, whether or not any appeal or other proceeding is
12 pending to have the conviction or plea set aside;

13 (5) Files a false report or record of an individual under the certificate
14 holder's care;

15 (6) Gives any false or misleading information about a material matter in
16 an employment application;

17 (7) Fails to file or record any health record that is required by law;

18 (8) Induces another person to fail to file or record any health record that
19 is required by law;

20 (9) Has violated any order, rule, or regulation of the Board relating to the
21 practice or certification of a nursing assistant OR MEDICATION TECHNICIAN;

22 (10) Provides services as a nursing assistant OR MEDICATION
23 TECHNICIAN while:

24 (i) Under the influence of alcohol; or

25 (ii) Using any narcotic or controlled dangerous substance, as
26 defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of
27 therapeutic amounts or without valid medical indication;

28 (11) Is habitually intoxicated;

29 (12) Is addicted to, or habitually abuses, any narcotic or controlled
30 dangerous substance as defined in § 5-101 of the Criminal Law Article;

31 (13) Has acted in a manner inconsistent with the health or safety of a
32 person under the applicant or certificate holder's care;

33 (14) Has practiced as a nursing assistant OR MEDICATION TECHNICIAN in
34 a manner which fails to meet generally accepted standards for the practice of a
35 nursing assistant OR MEDICATION TECHNICIAN;

- 1 (15) Has physically, verbally, or psychologically abused, neglected, or
2 otherwise harmed a person under the applicant or certificate holder's care;
- 3 (16) Has a physical or mental disability which renders the applicant or
4 certificate holder unable to practice as a certified nursing assistant OR CERTIFIED
5 MEDICATION TECHNICIAN with reasonable skill and safety to the patients and which
6 may endanger the health or safety of persons under the care of the applicant or
7 certificate holder;
- 8 (17) Has violated the confidentiality of information or knowledge as
9 prescribed by law concerning any patient;
- 10 (18) Has misappropriated patient or facility property;
- 11 (19) Performs certified nursing assistant OR CERTIFIED MEDICATION
12 TECHNICIAN functions incompetently;
- 13 (20) Has violated any provision of this title or has aided or knowingly
14 permitted any person to violate any provision of this title;
- 15 (21) Submits a false statement to collect a fee;
- 16 (22) Refuses, withholds from, denies, or discriminates against an
17 individual with regard to the provision of professional services for which the applicant
18 or certificate holder is certified and qualified to render because the individual is HIV
19 positive;
- 20 (23) Except in an emergency life-threatening situation where it is not
21 feasible or practicable, fails to comply with the Centers for Disease Control's
22 guidelines on universal precautions;
- 23 (24) Fails to cooperate with a lawful investigation conducted by the
24 Board;
- 25 (25) Fails to comply with instructions and directions of the supervising
26 registered nurse or licensed practical nurse;
- 27 (26) After failing to renew a certificate, commits any act that would be
28 grounds for disciplinary action under this section;
- 29 (27) Practices as a nursing assistant OR MEDICATION TECHNICIAN before
30 obtaining or renewing the certificate, including any time period when the certificate
31 has lapsed;
- 32 (28) Impersonates another individual:
- 33 (i) Licensed under the provisions of this title; or
- 34 (ii) Who holds a certificate issued under the provisions of this title;

1 (29) Has acted in a manner inconsistent with the health or safety of a
2 person under the certified nursing assistant's OR CERTIFIED MEDICATION
3 TECHNICIAN'S care;

4 (30) Performs activities that exceed the education and training of the
5 certified nursing assistant OR CERTIFIED MEDICATION technician;

6 (31) Is expelled from the rehabilitation program established pursuant to §
7 8-208 of this title for failure to comply with the conditions of the program; or

8 (32) Abandons a patient.

9 (b) If, after a hearing under § 8-317 of this title, the Board finds that there
10 are grounds under subsection (a) of this section to suspend or revoke a certificate to
11 practice as a certified nursing assistant OR CERTIFIED MEDICATION TECHNICIAN, to
12 reprimand a certificate holder, or place a certificate holder on probation, the Board
13 may impose a penalty not exceeding \$500 instead of or in addition to suspending or
14 revoking the certificate, reprimanding the certificate holder, or placing the certificate
15 holder on probation.

16 (c) (1) An individual whose certificate has been suspended or revoked by the
17 Board shall return the certificate to the Board.

18 (2) If the suspended or revoked certificate has been lost, the individual
19 shall file with the Board a verified statement to that effect.

20 (d) The Board shall file a notice for publication in the earliest publication of
21 the Maryland Register of each revocation or suspension of a certificate under this
22 section within 24 hours of the revocation or suspension.

23 (E) IF A CERTIFICATE ISSUED UNDER THIS SUBTITLE IS SUSPENDED OR
24 REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, THE BOARD MAY REINSTATE THE
25 CERTIFICATE AFTER 1 YEAR IF THE CERTIFICATE HOLDER MEETS THE
26 REQUIREMENTS FOR REINSTATEMENT AS ESTABLISHED BY THE BOARD IN
27 REGULATIONS.

28 8-6A-12.

29 (a) Unless the Board agrees to accept the surrender of a certificate, a certified
30 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN may not surrender the
31 certificate nor may the certificate lapse by operation of law while the certificate
32 holder is under investigation or while charges are pending against the certified
33 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN.

34 (b) The Board may set conditions on its agreement with the certified nursing
35 assistant OR CERTIFIED MEDICATION TECHNICIAN under investigation or against
36 whom charges are pending to accept surrender of the certificate.

1 8-6A-13.

2 (a) The Board shall appoint an advisory committee consisting of at least 13
3 members appointed by the Board.

4 (e) The advisory committee shall:

5 (1) Evaluate training programs and make recommendations for approval
6 by the Board;

7 (2) Develop and recommend regulations to enforce the provisions of this
8 subtitle;

9 (3) Evaluate candidates as required and recommend action to the Board;

10 (4) Review investigations of complaints against nursing assistants OR
11 MEDICATION TECHNICIANS and make recommendations to the Board for disciplinary
12 action;

13 (5) Keep a record of its proceedings; and

14 (6) Submit an annual report to the Board.

15 8-6A-15.

16 (a) If, during the investigation of an allegation brought against a certified
17 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN under this subtitle, the
18 Board has reason to believe that the certified nursing assistant OR CERTIFIED
19 MEDICATION TECHNICIAN may cause harm to a person affected by the practice of the
20 certified nursing assistant OR CERTIFIED MEDICATION TECHNICIAN, the Board, on
21 its own initiative, shall direct the certified nursing assistant OR CERTIFIED
22 MEDICATION TECHNICIAN to submit to an appropriate examination by a health care
23 provider designated by the Board.

24 (b) In return for the privilege given to a certified nursing assistant OR
25 CERTIFIED MEDICATION TECHNICIAN to practice in the State, the certified nursing
26 assistant OR CERTIFIED MEDICATION TECHNICIAN is deemed to have:

27 (1) Consented to submit to an examination under this section if
28 requested by the Board in writing; and

29 (2) Waived any legal claim of privilege as to the testimony or
30 examination reports of the examining health care provider.

31 (c) The failure or refusal of a certified nursing assistant OR CERTIFIED
32 MEDICATION TECHNICIAN to submit to an examination required under subsection (b)
33 of this section is prima facie evidence of the inability of the certified nursing assistant
34 OR CERTIFIED MEDICATION TECHNICIAN to competently practice as a certified
35 nursing assistant OR CERTIFIED MEDICATION TECHNICIAN, unless the Board finds

1 that the failure or refusal was beyond the control of the certified nursing assistant OR
2 CERTIFIED MEDICATION TECHNICIAN.

3 (d) The Board shall pay the cost of any examination made in accordance with
4 the provisions of this section.

5 8-706.

6 (a) A person may not knowingly employ to practice registered nursing any
7 person who is not authorized to practice registered nursing under this title.

8 (b) A person may not knowingly employ to practice licensed practical nursing
9 any person who is not authorized to practice licensed practical nursing under this
10 subtitle.

11 (C) A DIRECTOR OF NURSING MAY NOT KNOWINGLY EMPLOY ANY
12 INDIVIDUAL WHO IS NOT AUTHORIZED TO PERFORM DELEGATED NURSING DUTIES
13 UNDER THIS SUBTITLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2004.